



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING CHANGE REPORT

Meeting Date: November 3, 2014

Table A. Summary			
Application Summary			
Case Number	Z1400007	Jurisdiction	City
Applicant	Thomas Earl Maddry, Sr.	Submittal Date	April 4, 2014
Reference Name	Maddry Residential	Site Acreage	25.35
Location	Northeast quadrant of the Barbee Road and NC 54 Highway intersection.		
PIN(s)	0728-04-54-2985, -03-44-7663, -04-54-3375, -01-45-8446		
Request			
Proposed Zoning	Office Institutional with a development plan (OI(D))	Proposal	175 multi-family residential units
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Office		
Existing Zoning	Residential Suburban - 20 (RS-20) – 20.06 acres, Office Institutional (OI) – 4.65 acres, and Commercial Neighborhood (CN) – 0.64 acres		
Existing Use	Horticulture, retail		
Overlay	F/J-B, MTC	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval, 13-0 on September 9, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a four-parcel, 25.35 acre site from RS-20, OI, and CN to OI(D) for 175 multi-family residential units. The site is located at the

northeast quadrant of the intersection of Barbee Road and NC 54 Highway (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Office.

Appendix A provides supporting information.

B. Site History

There is no recent zoning history for this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the OI district (Sec. 3.5.6.D, and Sec. 6.10.1B). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. These commitments (see Table D5, Summary of Development Plan) include: housing type (apartments or townhouses), dedication of right-of-way along NC 54 Highway and Barbee Road, additional asphalt along NC 54 Highway and Barbee Road for a bicycle lane, and roadway improvements at the site entrances along NC 54 Highway and Barbee Road.

Graphic Commitments. Graphic commitments have been proffered which identify the location of the tree preservation areas and location of site access points.

Design Commitments. Nonresidential and multifamily projects require design commitments when requesting a zoning map change with a development plan. Through the design commitments of this project the applicant has committed to roofline details with gables and/or dormers, and building materials. A more detailed summary is provided in Table D5, Summary of Development Plan.

Determination. The requested OI zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is

approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district and associated development is consistent with the *Comprehensive Plan* and applicable adopted policies.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6. A proposed bicycle lane along NC 54 Highway and Barbee Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.6. The applicant has proffered right-of-way dedication and an additional four feet of asphalt widening to accommodate a bicycle lane on the north side of NC Highway 54 and for the frontage of the site along Barbee Road.

F. Site Conditions and Context

Site Conditions. The 25.35-acre site is located at the northeast quadrant of the intersection of NC 54 Highway and Barbee Road and is consists of four parcels. Together these parcels currently comprise of a horticulture operation; that produces agricultural products on the RS-20- and OI-zoned properties and sells agricultural products on the CN-zoned property. There are two large farm ponds (0.72 acres and 1.43 acres) and an intermittent stream that impact the site along the eastern boundary.

Area Characteristics. The site is in the Suburban Tier with close proximity to Interstate 40 along a major thoroughfare experiencing traffic capacity issues. Over the last several decades the area has experienced a transition from larger-lot rural uses to single- and multi-family residential development located to take advantage of the prime location with easy access to the greater Triangle area, including the recently approved Meadows at Southpoint development. The surrounding zoning districts include RS-20, Residential Suburban – Multi-family (RS-M), OI(D), OI, and Planned Development Residential – 4. 700 (PDR 4.700), and Planned Development Residential – 5.940 (PDR 5.940).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed OI district and associated development plan meets the ordinance and policy requirements in relation to development on the subject site. Approval of a maximum of 175 units for the site would provide additional residential choices in an area.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed OI district and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to decrease the traffic generation of the subject site by 610 daily trips (based on maximum development of the existing zoning of the site accommodating nonresidential uses), increase the students generated from the proposed use by 13 students, and increase the estimated water demand of the site by 8,105 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances. If the requested OI zoning designation were approved, the development plan would further establish the development potential of the proposed development.

The development of additional housing units along a major thoroughfare, with ready access to the roadway network and transit is consistent with sound Planning principles.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Jarrod Edens, Edens Land Corp	Ph: 919-316-1855	jarrod.edens@edensland.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council

- Northeast Creek Streamwatch
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting September 9, 2014 (Case Z1400007)

Staff Report: Ms. Wolff presented the staff report.

Zoning Map Change Request RS-20, OI, and CN to OI(D).

Public Hearing: Chair Harris opened the public hearing. One person signed up to speak, one person spoke in support and no one spoke in opposition. Chair Harris closed the public hearing.

Commission Discussion: It was stated the entrance must align with the adjacent project and that water supply was not an issue.

Motion: Approval of Maddy Residential (Z1400007) (Whitley, Miller 2nd)

Action: Motion carried, 13-0

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan

Table K. Supporting Information		
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 7. Planning Commissioner's Written Comments 8. Ordinance Form 9. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
OI	Office and Institutional - the OI district is established for employment and community service activities. Some support facilities and residential uses are also allowed when compatible with surrounding uses. The OI district is designed for use on sites that have convenient access to arterials, since development of moderate to high intensity is allowed.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.
F/J-B	<p>Falls/Jordan District B – the purpose of the F/J-B Watershed Protection Overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.
MTC	Major Transportation Corridor Overlay – the –MTC Overlay is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. Certain arterial streets, parkways and expressways are of critical importance to Durham City and County. Rights-of-way carrying high volumes of traffic are image makers for Durham City and County. They act as entryways for visitors and residents and also serve as an indicator of the quality of life found in the area. Standards are provided to ensure that thoroughfares in this overlay develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design.

Table D2. District Requirements – OI			
	Code Provision	Standard	Committed
Minimum Site Area (square feet)	6.10.1.B	20,000	1,104,246
Minimum Lot Width (feet)	6.10.1.B	60	168
Maximum Height (feet)	6.10.1.B	50	50
Minimum Street Yard (feet)	6.10.1.B	25	25
Minimum Side Yard (feet)	6.10.1.B	20	20
Minimum Rear Yard (feet)	6.10.1.B	25	25
Maximum Residential Density (DU/Ac.)	6.10.2.B	11	7.36
Open Space (%)	6.10.2.C	18	18

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	13.40% (3.27 acres)*	13.40% (3.27 acres)
Stream Protection (buffer in feet)	8.5.4.B	100	100

*qualifies for reduction based on existing agricultural use

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	PDR 5.940	N/A (right-of-way greater than 60 feet)	0/0
East	RS-M	0.4/0.6	0.2 (10 feet)*
	OI	0/0	0/0
South	PDR 4.700	N/A (right-of-way greater than 60 feet)	0/0
	RS-20		
West	RS-20	N/A (right-of-way greater than 60 feet)	0/0

*existing 20-foot buffer provided on adjacent property, therefore the difference of the total 0.6 (30-foot) is required.

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 175 units.	D-2
	Building/Parking Envelope is appropriately identified.	D-2
	Project Boundary Buffers are appropriately shown.	D-2
	Stream Crossing. None shown.	N/A
	Access Points. Three (3) access points have been identified.	D-2
	Dedications and Reservations. See Text Commitments below.	Cover, D-2
	Impervious Area. 70% = 17.06 acres.	D-2
	Environmental Features. Stream.	D-1, D-2
	Areas for Preservation. Stream buffer and tree preservation as shown.	D-2
	Tree Coverage. 13.4% (3.27 acres) as shown.	D-2
Graphic Commitments	Location of tree preservation areas. Location of access points.	D-2
Text Commitments	<p>1. The proposed development will be limited to apartments and/or townhouses and accessory uses.</p> <p><u>Prior to the issuance of any building permit:</u></p> <p>2. Dedicate 10 feet of additional right-of-way for the frontage of the site along Barbee Road.</p> <p>3. Dedicate additional right-of-way for the frontage of the site along NC 54 Highway to provide an additional 35 feet of right-of-way (65 feet from original centerline) and a minimum of 10 feet of right-of-way as measured from the proposed edge of pavement / back-of-curb.</p> <p><u>Prior to the issuance of a Certificate of Occupancy:</u></p> <p>4. Construct an eastbound left-turn lane on NC 54 Highway at site access #1, with a continuous three-lane section between the eastbound left-turn at site access #1 and the westbound left-turn lane at Barbee Road.</p> <p>5. A minimum of four feet of additional asphalt (in addition to the proposed roadway improvements) will be provided for the full frontage of the site along the east side of Barbee Road and the north side of NC 54 Highway. The additional asphalt widening will be provided to allow for a bicycle lane.</p> <p>6. Construct a southbound left-turn lane with adequate storage and appropriate tapers on Barbee Road at site entrance #2.</p> <p>7. Construct a westbound right-turn lane with adequate storage and appropriate tapers on NC 54 Highway at site</p>	Cover

Table D5. Summary of Development Plan		
	entrance #1.	
SIA Commitments	None provided	N/A
Design Commitments (summary)	<p><u>Architectural Style</u> No style has been chosen. Front facing gables and/or dormers will be used.</p> <p><u>Roofline</u> The roofs will be sloped.</p> <p><u>Building Materials</u> Two or more of the following will be used: brick, stone, block, wood, cement/cementitious cladding, EIFS, or metal.</p> <p><u>Distinctive Features</u> None.</p> <p><u>Design Transition to Context Area</u> None.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Office: Land used primarily for office uses.</p> <p>Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p>
2.2.2a	Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.

Table E. Adopted Plans	
8.1.2i	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
8.1.4p	New Bicycle Routes: Wherever possible, incorporate recommended bike lanes or wide shoulders during street resurfacing or reconstruction and convert railroad corridors to bikeways.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
Long Range Bicycle Plan	
Map 4-6 shows a proposed bicycle lane along Barbee Road and NC 54 Highway.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Interstate highway, Multi-family residential	PDR 5.940	F/J-B, MTC
East	Vacant, Multi-family residential	OI(D), RS-20, RS-M	F/J-B, MTC
South	Commercial, Multi-family residential	RS-20, OI, PDR 4.700	F/J-B, MTC (partial)
West	Horticultural	RS-20	F/J-B, MTC

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
NC 54 Highway and Barbee Roads are the major roads impacted by the proposed zoning change. NCDOT TIP Project U-5324 will improve NC 54 Highway from Interstate-40 to NC 55 Highway to a multi-lane divided facility with bicycle, pedestrian and transit amenities. This project is currently unfunded through 2018.		
Affected Segments	Barbee Road	NC 54 Highway
Current Roadway Capacity (LOS D) (AADT)	10,700	17,700
Latest Traffic Volume (AADT)	6,200	17,000
Traffic Generated by Present Designation (average 24 hour)*	1,794	
Traffic Generated by Proposed Designation (average 24 hour)**	1,184	
Impact of Proposed Designation	-610	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2011)

NC 54: 2-lane undivided Class I arterial with left-turn lanes

Barbee Road: 2-lane City/County Class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption (existing zoning) – 38,000 sf medical-dental office (0.19 FAR), 1,100 sf of retail (0.16 FAR) and 36 single-family residential units.

**Assumption (proposed zoning) – 175 apartment units.

Table G2. Transit Impacts
Transit service is provided adjacent to the site along NC 54 via DATA Route 14, Triangle Transit Route 800, and Triangle Transit Route 805. The closest stop is east of the site at Waterford Valley Drive.

Table G3. Utility Impacts
This site will be served by City water and sewer with existing services running along NC 54 Highway.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate 37 students. This represents an increase of 13 students over the existing zoning. Durham Public Schools serving the site are Parkwood Elementary School, Githens and Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,695	7,824	10,080
Maximum Building Capacity (110% of Building Capacity)	18,365	8,606	11,088
20 th Day Attendance (2013-14 School Year)	16,579	7,465	9,737
Committed to Date (January 2011 – December 2013)	97	27	-32
Available Capacity	1,689	1,114	1,383
Potential Students Generated – Current Zoning*	12	5	7
Potential Students Generated – Proposed Zoning**	21	8	8
Impact of Proposed Zoning	+9	+3	+1

*Assumption (existing zoning) – Ol: 51 apartments, CN: 5 apartments, and RS-20: 36 single-family residential units.

**Assumption (proposed zoning) – 175 apartment units.

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 20,125 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 8,105 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	25.83 MGD
Approved Zoning Map Changes (April 2011 – March 2014)	0.17 MGD
Available Capacity	11.00 MGD
Estimated Water Demand Under Present Zoning*	12,020 GPD
Potential Water Demand Under Proposed Zoning**	20,125 GPD
Potential Impact of Zoning Map Change	+8,105

Notes: MGD = Million gallons per day

*Assumption (existing zoning) – Ol: 51 apartments, CN: 5 apartments, and RS-20: 36 single-family residential units.

**Assumption (proposed zoning) – 175 apartment units.

Appendix K: Summary of Planning Commission Meeting

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance Form
9. Consistency Statement